

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CLINTON W. LAMERE,

Defendant.

CR 03-81-GF-BMM

ORDER

This case was referred to United States Magistrate Judge John Johnston for a revocation hearing and findings and recommendations. Judge Johnston entered his findings and recommendations on February 21, 2017. Defendant admitted that he had violated the conditions of his supervised release by failing to appear for substance abuse testing, by failing to report for sweat patch removal on multiple occasions, by being terminated from sexual offender treatment, by consuming alcohol on multiple occasions, by testing positive for methamphetamine on several occasions, and by testing positive for marijuana. Judge Johnston found the admissions sufficient to establish the supervised release violations. Judge Johnston recommended that this Court revoke Defendant's supervised release and commit him to the custody of the United States Bureau of Prisons for a term of imprisonment of three months, with 57 months of supervised release to follow. He

also recommended that the term of supervised release should include treatment at Connections Corrections for 60 days, followed by treatment at the White Sky Hope Center.

No objections were filed by either party. Judge Johnston's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commodore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Johnston's findings. Defendant admitted that he had violated the conditions of his supervised release. Defendant could be incarcerated for up to 60 months, followed by 60 months of supervised release less any custody time imposed. The United States Sentencing Guidelines call for a term of imprisonment of three to nine months. A sentence of three months in custody, followed by 57 months of supervised release is appropriate. The sentence is sufficient but not greater than necessary.

IT IS ORDERED that Judge Johnston's Findings and Recommendations

(Doc. 81) are ADOPTED in full and Judgment shall be entered accordingly.

DATED this 9th day of March, 2017.



Brian Morris
United States District Court Judge